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SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON
THE STRENGTHENING OF THE ROLE
OF THE ORGANIZATION
(27 February-10 March 1995)

DRAFT REPORT

Rapporteur: Mr. Guillermo CAMACHO (Ecuador)

I. INTRODUCTION

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was convened in accordance with General Assembly resolution 49/58 of 8 December 1994 and met at United Nations Headquarters from 27 February to 10 March 1995.

2. In accordance with General Assembly resolutions 3349 (XXIX) of 17 December 1974 and 3499 (XXX) of 15 December 1975 and decision 45/311 of 28 November 1990, the Committee is composed of the following Member States: Algeria, Argentina, Barbados, Belgium, Brazil, China, Colombia, Congo, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Ghana, Greece, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Liberia, Mexico, Nepal, New Zealand, Nigeria, Pakistan, Philippines, Poland, Romania, Russian Federation, Rwanda, Sierra Leone, Spain, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia and Zambia. 1/

3. On behalf of the Secretary-General and in the absence of Mr. Hans Corell, the Legal Counsel, Mr. Sinha Basnayake, Director of the General Legal Division in charge of the Office of Legal Affairs, opened the 1995 session of the Special Committee and made a statement.

4. Miss Jacqueline Dauchy, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary of the Special Committee and of its Working Group. Mr. Manuel Rama-Montaldo, Deputy Director for Research and Studies of the Codification Division, acted as Deputy Secretary of the Special

Committee and of its Working Group. Mr. Mpazi Sinjela, Ms. Christiane Bourloyannis-Vrailas and Mr. Vladimir Rudnitsky, Legal Officers from the Codification Division, acted as assistant secretaries of the Special Committee and its Working Group.

5. At its 197th and 198th meetings, on 27 February 1995, the Committee, bearing in mind the terms of the agreement regarding the election of officers reached at its session in 1981, 2/ and taking into account the results of the pre-session consultations among its Member States, elected its Bureau, as follows:

Chairman: Mr. Nalin Surie (India)

Vice-Chairmen: Mr. Ernst Martens (Germany)
Mr. Marek Madej (Poland)
Mr. Hussein Mubarak (Egypt)

Rapporteur: Mr. Guillermo Camacho (Ecuador)

6. The Bureau of the Committee also served as the Bureau of the Working Group.

7. Also at its 197th meeting, the Committee adopted the following agenda (A/AC.182/L.80):

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Consideration of the questions mentioned in General Assembly resolution 49/58 of 9 December 1994, in accordance with the mandate of the Special Committee as set out in that resolution.

6. Adoption of the report.

8. In accordance with paragraph 6 of General Assembly resolution 49/58, the Special Committee, having received requests for observer status from 26 permanent missions to the United Nations (Australia, Austria, Azerbaijan, Belarus, Bolivia, Bulgaria, Canada, Cuba, Democratic People's Republic of Korea, Denmark, Guatemala, Jordan, Kazakhstan, Libyan Arab Jamahiriya, Netherlands, Panama, Portugal, Republic of Korea, Republic of Moldova, Slovakia, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Ukraine and Uruguay), took note of those requests and accepted the participation of observers from those Member States.

9. At its 199th meeting, the Committee established a Working Group of the Whole and agreed on the following organization of work: three meetings would be devoted to organizational matters and to a general debate on all items concerning the mandate of the Committee; four meetings would be allocated to proposals relating to the maintenance of international peace and security; five

meetings to the question of peaceful settlement of disputes between States; two meetings to the question of the deletion of the "enemy-States" clauses of the Charter of the United Nations; one meeting to the review of the Special Committee's membership; and four meetings to the consideration and adoption of the report. It was understood that this distribution of meetings would be applied with the necessary degree of flexibility, taking into account the progress achieved in the consideration of the items.

10. With regard to the question of the maintenance of international peace and security, the Committee had before it a revised working paper entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter", submitted at the previous session by Bulgaria, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Jordan, Mozambique, Nicaragua, Nigeria, Panama, Paraguay, Poland, the Republic of Moldova, Romania, Uganda, Ukraine, Uruguay and Zambia, later joined by India and Tunisia (A/AC.182/L.79); 3/ a working paper submitted by the Russian Federation entitled "New issues for consideration in the Special Committee"; 4/ a revised proposal submitted by the Libyan Arab Jamahiriya with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security (see para. __ below); and a second revised working paper submitted by Cuba, entitled "Strengthening of the role of the Organization and enhancement of its efficiency" (see para. __ below).

11. With respect to the question of the peaceful settlement of disputes between States, the Committee had before it the text of the United Nations Model Rules for the Conciliation of Disputes between States as it emerged from the first reading conducted by the Special Committee at previous sessions, 5/ as well as a working paper submitted by Guatemala (A/AC.182/L.83) containing amendments to the above-mentioned text of the Model Rules. It also had before it a proposal entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes", submitted by Sierra Leone (see para. __ below).

Notes

1/ For the list of members of the Committee at its 1995 session, see A/AC.182/INF.20.

2/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33 (A/36/33), para. 7.

3/ Ibid., Forty-ninth Session, Supplement No. 33 (A/49/33), para. 52.

4/ Ibid., Forty-eighth Session, Supplement No. 33 and corrigendum (A/48/33 and Corr.1), para. 95.

5/ Ibid., Forty-ninth Session, Supplement No. 33 (A/49/33), para. 107.

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Addendum

Rapporteur: Mr. Guillermo CAMACHO (Ecuador)

II. RECOMMENDATIONS OF THE SPECIAL COMMITTEE

The Special Committee submits to the General Assembly:

(a) As regards the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, the recommendation reproduced in paragraph ... below;

(b) As regards the United Nations Model Rules for the Conciliation of Disputes, the recommendation reproduced in paragraph ... below;

(c) As regards the question of the deletion of the "enemy-State" clauses from the Charter of the United Nations, the recommendation reproduced in paragraph ... below;

(d) As regards the membership of the Special Committee, the recommendation reproduced in paragraph ... below.

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